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KERALA GAZETTE

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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 1815-112/74/Law. *Dated, Trivandrum, 23rd May, 1974 / 2nd Jyaistha 1896.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 17th day of May, 1974.

By order of the Governor,

M. Sekharan,

Law Secretary.

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ACT 15 OF 1974

THE STAY OF RECOVERY OF ARREARS OF JENMIKARAM ACT, 1974

An Act to provide for the temporary protection of kanam tenants and persons deriving title from them against proceedings for recovery of arrears of jenmikaram and for matters incidental thereto.

Preamble.—WHEREAS it is expedient to provide for the temporary protection of kanam tenants and persons deriving title from them against proceedings for recovery of arrears of jenmikaram and for matters incidental thereto;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title, commencement and duration.*—(1) This Act may be called the Stay of Recovery of Arrears of Jenmikaram Act, 1974.

(2) It shall come into force at once and shall cease to have effect on the 30th day of June, 1974.

(3) Upon the expiry of this Act, the provisions of section 4 of the Interpretation and General Clauses Act, 1125 (VII of 1125), shall apply as if this Act had then been repealed by an Act of the Kerala State Legislature.

2. *Interpretation.*—Words and expressions used in this Act shall have the meanings respectively assigned to them in the Kanam Tenancy Act, 1955 (XXIV of 1955).

3. *Stay of suits, applications, etc., for arrears of jenmikaram.*—(1) Notwithstanding anything to the contrary contained in the Kanam Tenancy Act, 1955 (XXIV of 1955) or in any other law, or in any contract, or in any judgment, decree or order of any court, with effect on and from the commencement of this Act,—

(a) no suit or application or other proceedings for the recovery of arrears of jenmikaram accrued due before the commencement of this Act; or

(b) no application for, or proceedings in, execution of a decree or order for the recovery of such arrears of jenmikaram or other application or proceedings, incidental or ancillary thereto,

shall lie in any court or before any other authority or officer, and all suits, applications and other proceedings for recovery of such arrears of jenmikaram and all applications for, and proceedings in, execution of decrees or orders for recovery of such arrears of jenmikaram and other applications and proceedings incidental or ancillary thereto, pending in any court or before any other authority or officer at the commencement of this Act, shall stand stayed.

(2) All appeals against decrees or orders relating to arrears of jenmikaram accrued due before the commencement of this Act, and all revisions against decrees or orders relating to such arrears of jenmikaram, pending in any court or before any other authority or officer at the commencement of this Act, shall stand stayed, and no court or other authority or officer shall proceed with any such appeal or revision filed after such commencement.

4. *Limitation.*—In computing the period of limitation for the institution of suits or other proceedings or the making of applications or the filing of appeals and revisions prohibited under this Act, the time during which such suits or other proceedings or applications or appeals or revisions were prohibited under this Act shall be excluded.